



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,764	04/05/2000	John L. Howes		6749

7590 06/28/2002

Peter Gibson #307  
6316 Greenspring Avenue  
Baltimore, MD 21209

EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 06/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT      PAPER

8

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

see attached communication

## DETAILED ACTION

### ***Response to Amendment***

The amendment to the claims filed on 15 April 2002 does not comply with the requirements of 37 CFR 1.121(c) because marked-up claims are very different from clean version of claims. In turn, both marked-up claims and clean version of claims are both different from original claims. It is not clear which set of amended claims is intended to be of record. See examples below.

Amendments to the claims filed after March 1, 2001 must comply with 37 CFR 1.121(c) which states:

**(c) Claims.**

(1) **Amendment by rewriting, directions to cancel or add:** Amendments to a claim must be made by rewriting such claim with all changes (e.g., additions, deletions, modifications) included. The rewriting of a claim (with the same number) will be construed as directing the cancellation of the previous version of that claim. A claim may also be canceled by an instruction.

(i) A rewritten or newly added claim must be in clean form, that is, without markings to indicate the changes that have been made. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g., "amended," "twice amended," or "new").

(ii) If a claim is amended by rewriting such claim with the same number, the amendment must be accompanied by another version of the rewritten claim, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of that claim. A parenthetical expression should follow the claim number indicating the status of the claim, e.g., "amended," "twice amended," etc. The parenthetical expression "amended," "twice amended," etc. should be the same for both the clean version of the claim under paragraph (c)(1)(i) of this section and the marked up version under this paragraph. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added claim or a canceled claim as it is sufficient to state that a particular claim has been added, or canceled.

(2) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

### **Claim 2 - Original**

2. The method of claim 1 wherein said containerized liquid coating product is containerized in standard volume containers.

**Claim 2 - Marked-up**

2. The method of claim 1 wherein said containerized liquid coating product is containerized in [standard volume containers] *rigid metal paint cans*.

**Claim 2 - Clean version**

2. The method of claim 1 wherein said containerized liquid coating product is containerized in rigid metal containers of one gallon capacity.

**Claim 3 Original**

3. The method of claim 2 wherein fulfillment of said customer order includes partial filling of one of said standard volume containers.

**Claim 3 - Marked-up**

3. The method of claim 2 wherein fulfillment of said customer order includes partial filling of one of said [standard volume containers] *rigid metal paint cans*.

**Claim 3 - Clean version**

3. The method of claim 2 wherein fulfillment of said customer order includes partial filling of one of said rigid metal containers of one gallon capacity.

**Claim 4 Original**

4. The method of claim 1 wherein said containerized liquid coating product is containerized in non-standard volume expandible containers.

**Claim 4 - Marked-up**

4. The method of claim 1 wherein said containerized liquid coating product is containerized in [non-standard volume] molded elastic expandable containers.

**Claim 4 - Clean version**

4. The method of claim 1 wherein said containerized liquid coating product is containerized in molded plastic expandable containers.

Since the reply filed on 15 April 2002 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8:30 am to 5:00 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for both regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JZ **James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
June 26, 2002



WILLIAM M. DUGGINS  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**